

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

March 10, 2017

Ref. No.: 98KD-199
LPGS-16,068

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

KAUAI

Amend Prior Board Action of September 9, 2005, Item D-3, Amend Prior Board Action of August 28, 1998, (Item D-20), Direct Sale of Abandoned Railroad Right-of-Way at Kapaa Homesteads, Series 1st, Kawaihau, Kauai, Tax Map Key: (4) 4-6-004:022.

The purpose of the amendment is to update the current owners of the abutting private property, to whom the remnant will be sold and whose property the remnant will be consolidated with.

BACKGROUND:

At its meeting of August 28, 1998, item D-20, the Board of Land and Natural Resources approved the sale of a portion of an abandoned railroad right-of-way to Kenji Yamashiro, whose wife is Doris K. Yamashiro, Take Yamashiro, whose wife is Mervilyn Kazue Yamashiro, and Shigeko Yamashiro, widow, as tenants in common.

By letter dated August 11, 2005, the applicants requested that the Board amend its prior action of August 28, 1998 (D-20) to change the grantee names to reflect the current landowners of the abutting private properties, TMKs: (4) 4-6-004:020 and 021: Kenji Yamashiro, Trustee of the Kenji Yamashiro revocable Living Trust dated June 25, 1993, Take Yamashiro and Mervilyn K. Yamashiro, husband and wife, Trustees of the Self-Trusted Trust dated September 12, 2000, and Sue Ann Takata, single, Trustee of the Sue Ann Takata Self-Trusted Revocable Trust dated April 29, 1986, as amended, each having a one-third interest. At its meeting of September 9, 2005, Item D-3, the Board approved the requested amendment. See Exhibit A.

REMARKS:

In the processing of the conveyance document for the remnant, the Department of the Attorney General noted that the owners of the private parcels have again changed since the last Board action in 2005. As a result, staff is requesting to amend its prior Board action of September 9, 2005, Item D-3, to identify the current owners of the private parcels.

As confirmed through the County of Kauai Real Property Tax Office and Title Guaranty of Hawaii's Title Report with percentage of interest (Exhibit B), the current landowners on record of the private parcels that abut the subject abandoned railroad right-of-way are as

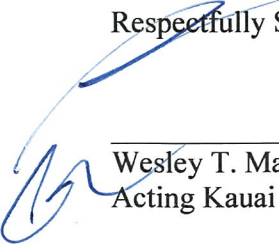
follows:

- 1) Sue Ann Takata, Trustee of the Sue Ann Takata Self-Trusted Revocable Trust under recorded trust agreement dated April 29, 1996, as to an undivided 1/3 interest;
- 2) Lynn Tsugie Oshiro, Successor Trustee under that certain unrecorded Kenji Yamashiro Revocable Living Trust dated June 25, 1993, as to an undivided 1/3 interest;
- 3) Clayton T. Yamashiro, married, as to an undivided 1/15 interest;
- 4) Renee M. Yamashiro, married, as to an undivided 1/15 interest;
- 5) Russell S.K. Iida, married, as to an undivided 1/15 interest;
- 6) Stephanie Nago, married, as to an undivided 1/15 interest;
- 7) Kaleo R. Yamashiro, single, as to an undivided 1/30 interest; and
- 8) Kamakana K. Yamashiro, single, as to an undivided 1/30 interest; the whole being held as tenants in common.

RECOMMENDATION: That the Board:



1. Amend its prior Board action of September 9, 2005, under agenda item D-3 by changing the names of the grantees to the persons listed in the foregoing paragraph with the respective interests and in the tenancy indicated.
2. Except as amended hereby, confirm that all terms and conditions listed in the Board's September 29, 2005 and August 28, 1998 approvals to remain the same.

Respectfully Submitted,



Wesley T. Matsunaga
Acting Kauai District Land Agent

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

September 9, 2005

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

File: 98KD-199

Kauai

Amend Prior Board Action of August 28, 1998, (Item D-20),
Direct Sale of a Portion of an Abandoned Railroad Right-of-
Way at Kapaa Homesteads, 1st Series, Kawaihau, Kauai, Tax
Map Key: (4)4-6-4: 22

BACKGROUND:

At its August 28, 1998 meeting, under Item D-20, the Land Board approved the sale of a portion of an abandoned railroad right-of-way to Kenji Yamashiro, whose wife is Doris K. Yamashiro, Take Yamashiro, whose wife is Mervilyn Kazue Yamashiro, and Shigeko Yamashiro, widow; as tenants in common, the abutting property owners of Parcels 20 and 21. See Exhibit A. An independent real estate appraiser has determined the consideration should be \$19,000. An offer letter was tendered to the Applicants' on July 2005.

By letter dated August 11, 2005, the applicants are requesting the names be changed to reflect the current ownership. Ms. Shigeko Yamashiro has conveyed her interest to her daughter. All parties own 1/3 interest each in Parcels 20 and 21. The changes are:

Kenji Yamashiro, Trustee of the Kenji Yamashiro Revocable Living Trust dated June 25, 1993, whose wife is Doris Kikuye Yamashiro, one third interest;

Take Yamashiro and Mervilyn K. Yamashiro, husband and wife, Trustees of the Take Yamashiro and Mervilyn K. Yamashiro Self-Trusteed Trust dated September 12, 2000, one-third interest; and

Sue Ann Takata, single, Trustee of the Sue Ann Takata Self-Trusteed Revocable Trust under unrecorded trust agreement dated April 29, 1996, as amended, one-third interest

RECOMMENDATION: That the Board:

- A. Amend the prior Board action of August 28, 1998, under agenda item D-20 by replacing Applicants with Kenji Yamashiro, Trustee of the Kenji Yamashiro Revocable

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
September 9, 2005

EXHIBIT A

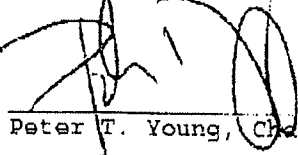
D-3

Living Trust dated June 25, 1993, whose wife is Doris Kikuye Yamashiro, one-third interest; Take Yamashiro and Mervilyn K. Yamashiro, husband and wife, Trustees of the Take Yamashiro and Mervilyn K. Yamashiro Self-Trusteed Trust dated September 12, 2000, one-third interest; and Sue Ann Takata, single, Trustee of the Sue Ann Takata Self-Trusteed Revocable Trust under unrecorded trust agreement dated April 29, 1996, as amended, one-third interest.

Respectfully Submitted,

mt Michael E. Under
MICHAEL E. LAURETA
Kauai Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson



State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Land Management Branch
Honolulu, Hawaii 96813

August 28, 1998

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii 96813

KAUAI

Subject: Direct Sale of a Portion of an Abandoned Railroad
Right-of-Way at Kapaa Homesteads, 1st Series,
Kawaihau, Kauai, Tax Map Key 4-6-4: 22

STATUTE: Chapter 171-52, Hawaii Revised Statutes, as amended

APPLICANTS: Kenji Yamashiro, whose wife is Doris K. Yamashiro;
Take Yamashiro, whose wife is Mervilyn Kazue
Yamashiro; and Shigeko Yamashiro, widow; as tenants
in common.

FOR: Portion of an abandoned railroad right-of-way at
Kapaa Homesteads, 1st Series, Kawaihau, Kauai, Tax
Map Key 4-6-4: 22 (portion), as shown outlined in
red on the map labeled Land Board Exhibit A.

**LAND TITLE
STATUS:** Subsection 5 (b) lands

STATUS: Vacant and unencumbered.

ZONING: State Land Use Commission: Agriculture
County CZO: Open District

PURPOSE: Consolidation with the applicant's abutting fee
simple properties that abut to the north and south,
identified as TMKs 4-6-4: 20 and 21

AREA: Approximately 1.5 acres, more or less; however,
exact land area and configuration to be determined
by the applicant's surveyor, subject to review and
confirmation by the Survey Division of the
Department of Accounting and General Services.

CONSIDERATION: One time lump sum payment to be established by
independent appraisal or staff appraisal, same
subject to review and approval by the Chairperson.

ITEM D-20

EXHIBIT "A"

CHAPTER 343,
ENVIRONMENTAL
ASSESSMENT:

Disposition is exempted from OEQC requirements pursuant to Sub-Chapter 11-200-8 (Item 1) of the Hawaii Administrative Rules that exempts "operation, repairs, or maintenance of existing structures, facilities, equipment, or topographical features involving negligible or no expansion or change of use beyond that previously existing."

COMMENTS:

Section 171-52, HRS. HRS defines the term "remnant" to mean "a parcel of land economically or physically unsuitable or undesirable for development or utilization as a separate unit by reason of location, size, shape, or other characteristics."

In order to dispose of remnants, they must be first offered for sale to the abutting owners. Since the applicants are fee simple owners of properties on both sides of the right of way, disposition to them meets the requirements of law.

Sale of right-of-way. This portion of the abandoned railroad right-of-way is not suitable to be rented by monthly revocable permit or long term lease, is irregularly shaped, and sized. The proposed disposition of this remnant would generate revenue to the State, but more importantly, would relieve the State of unnecessary liability and maintenance problems.

Location. The abandoned railroad right-of-way bisects the lands owned by the applicants, which are 29.0 acres and 8.51 acres in size. In order to utilize and divide these family lands, applicant's have requested to purchase these abandoned State lands.

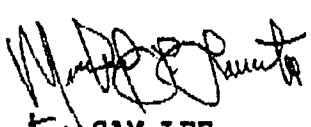

RECOMMENDATION: That the Board:

- A. Find that the subject portion of the abandoned railroad right of way is unsuitable for use as a separate unite due to its size and its being landlocked from public roads.
- B. Approve the direct sale of the subject abandoned railroad right of way to the applicants under the foregoing and following terms and conditions:

EXHIBIT "A"

1. The purchasers shall be required to pay the full purchase price in cash.
2. The purchasers shall submit to the Kauai District Land Office a final subdivision map approved by the County of Kauai Planning Department covering the consolidation and resubdivision of the subject abandoned railroad right-of-way with the applicant's adjoining properties. The issuance of the deed shall be subject to the applicants compliance with this requirement.
3. Disposition to be made at fair market value of the abandoned railroad right of way as determined by independent appraisal, or staff appraisal, same subject to review and approval by the Chairperson.
4. The use of the remnant, in consolidation with the adjoining properties, shall be in accordance with the applicable zoning and subdivision ordinances of the County of Kauai.
5. The applicant's acknowledge that the subject remnant parcel shall be purchased in its present condition and that the applicants shall hold the State of Hawaii harmless from any damages that may occur on these properties.
6. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State of Hawaii.

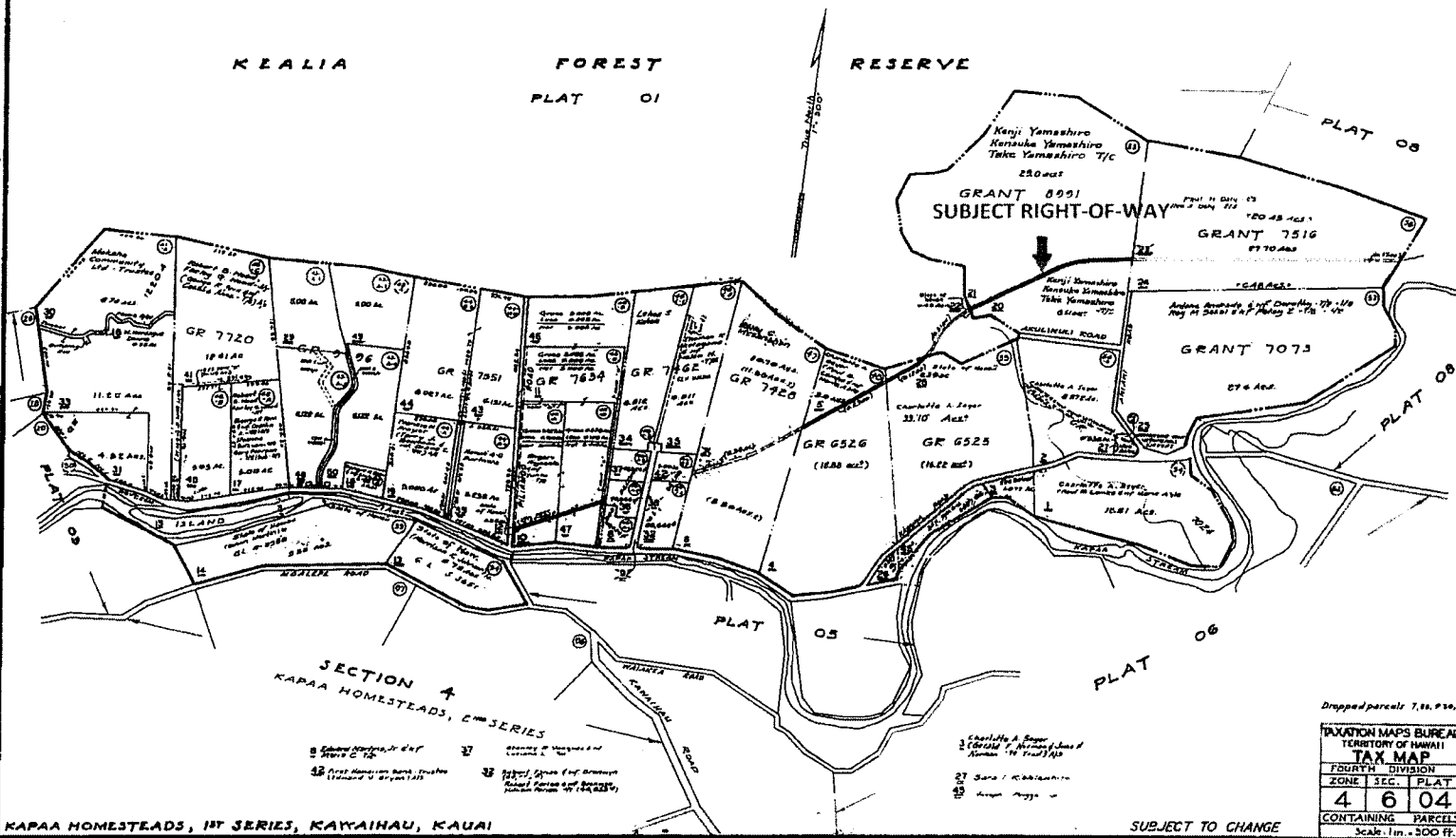
Respectfully submitted,


for SAM LEE
Kauai District Land Agent 

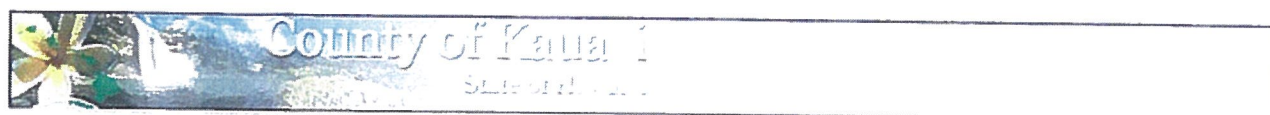
APPROVED FOR SUBMITTAL:


MICHAEL D. WILSON, Chairperson

EXHIBIT "A"



SUBJECT TO CHANGE


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Owner and Parcel Information

Owner Name/ Type

TAKATA,SUE ANN TRUST / Fee Owner
 IIDA,RUSSELL S K / Fee Owner
 NAGO,STEPHANIE / Fee Owner
 YAMASHIRO,CLAYTON T / Fee Owner
 YAMASHIRO,KALEO R / Fee Owner
 YAMASHIRO,KAMAKANA K / Fee Owner
 YAMASHIRO,KENJI TRUST / Fee Owner
 YAMASHIRO,KENSUKE DEC'D / Fee Owner
 YAMASHIRO,RENEE M / Fee Owner
[Show All Owners and Addresses](#)

Today's Date

February 10, 2017

Mailing Address

KAPAA, HI 96746

Parcel Number

460040200000

Location Address

AHIAHI RD

Project Name

Tax Classification

AGRICULTURAL

Parcel Map

[Show Parcel Map](#)

Neighborhood Code

4617-5V

Land Area (acres)

8.51

Legal Information

LOT 55 KAPAA HOMESTEADS 1ST SERIES 8.51 AC

Land Area (approximate sq ft)

370,696

Assessment Information

[Show Historical Assessments](#)

Year	Tax Classification	Total Market Value	Total Assessed Value	Total Exemption	Total Net Taxable Value
2017	AGRICULTURAL	\$ 529,400	\$ 3,600	\$ 0	\$ 3,600

Improvement Information

No improvement information available for this parcel.

Other Building and Yard Improvements

Description

Quantity

Year Built

Area

No information associated with this parcel.

Permit Information

Date

Permit Number

Reason

Permit Amount

No permit information associated with this parcel.

Sales Information

Sale Date	Price	Instrument #	Instrument Type	Instrument Description	Date Recorded	Document #	Cert #	Book/Page	Conveyance Tax	Document Type
07/26/2013	\$ 0	13-A-49811029	FEE CONVEYANCE		08/21/2013					
08/26/2010	\$ 0	10-131880	FEE CONVEYANCE		09/08/2010					
08/23/2005	\$ 0	05-183806	OTHER		09/14/2005					
01/12/2004	\$ 0	04-011561	FEE CONVEYANCE		01/21/2004					
10/26/2003	\$ 0	03-239218	OTHER		10/30/2003					
10/03/1995	\$ 0	9600013730	FEE CONVEYANCE		02/01/1996				0	
06/25/1993	\$ 0	9300106116	FEE CONVEYANCE		06/30/1993				0	

Current Tax Bill Information

[2016 Tax Payments](#)
[Show Historical Taxes](#)

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
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No Tax Information available on this parcel.

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EXHIBIT B


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Owner and Parcel Information

Owner and Parcel Information			
Owner Name/ Type	TAKATA,SUE ANN TRUST / Fee Owner	Today's Date	February 10, 2017
	IIDA,RUSSELL S K / Fee Owner		
	NAGO,STEPHANIE / Fee Owner		
	YAMASHIRO,CLAYTON T / Fee Owner		
	YAMASHIRO,KALEO R / Fee Owner		
	YAMASHIRO,KAMAKANA K / Fee Owner		
	YAMASHIRO,KENJI TR / Fee Owner		
	YAMASHIRO,RENEE M / Fee Owner		
Show All Owners and Addresses			
Mailing Address	KAPAA, HI 96746	Parcel Number	460040210000
Location Address	AHIAHI RD	Project Name	
Tax Classification	AGRICULTURAL	Parcel Map	Show Parcel Map
Neighborhood Code	4617-SV	Land Area (acres)	29
Legal Information		Land Area (approximate sq ft)	1,263,240

Owner Address Information

Owner Name	Owner Type	Owner Address
TAKATA,SUE ANN TRUST	Fee Owner	KAPAA, HI 96746
YAMASHIRO,KENJI TR	Fee Owner	HONOLULU, HI 96813-1759
IIDA,RUSSELL S K	Fee Owner	
NAGO,STEPHANIE	Fee Owner	
YAMASHIRO,CLAYTON T	Fee Owner	
YAMASHIRO,RENEE M	Fee Owner	
YAMASHIRO,KALEO R	Fee Owner	4880 HAUAAALA RD KAPAA, HI 96746
YAMASHIRO,KAMAKANA K	Fee Owner	

Assessment Information [Show Historical Assessments](#)

Year	Tax Classification	Total Market Value	Total Assessed Value	Total Exemption	Total Net Taxable Value
2017	AGRICULTURAL	\$ 812,200	\$ 12,300	\$ 0	\$ 12,300

Improvement Information

No improvement information available for this parcel.

Other Building and Yard Improvements

Description	Quantity	Year Built	Area
No information associated with this parcel.			

Permit Information

Date	Permit Number	Reason	Permit Amount
No permit information associated with this parcel.			

Sales Information

Sale Date	Price	Instrument #	Instrument Type	Instrument Description	Date Recorded	Document #	Cert #	Book/Page	Conveyance Tax	Document Type
07/26/2013	\$ 0	13-A-49811028	FEE CONVEYANCE		08/21/2013					
08/26/2010	\$ 0	10-131880	FEE CONVEYANCE		09/08/2010					
08/23/2005	\$ 0	05-183806	OTHER		09/14/2005					
01/12/2004	\$ 0	04-011561	FEE CONVEYANCE		01/21/2004					
10/26/2003	\$ 0	03-239217	OTHER		10/30/2003					
10/03/1995	\$ 0	9600013730	FEE CONVEYANCE		02/01/1996				0	
06/25/1993	\$ 0	9300106116	FEE CONVEYANCE		06/30/1993				0	

Current Tax Bill Information [2016 Tax Payments](#) [Show Historical Taxes](#)

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
No Tax Information available on this parcel.									

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STATUS REPORT

This Report (and any revisions thereto) is issued for the sole benefit of the Purchaser of this Report identified in the Order No. referenced below. Title Guaranty of Hawaii, Incorporated's responsibility for any actual loss incurred by reason of any incorrectness herein is limited to the greater of \$3,500 or two times the amount paid for this Report.

SCHEDULE A

Title Guaranty of Hawaii, Incorporated, hereby reports as follows as to the title of the Parties named in Schedule A in and to the title to land described in Schedule C, subject to the matters set forth in Schedule B, based solely upon an abstract and examination of the following Indices in the State of Hawaii: (a) the Office of the Clerks of the Circuit Court of the Judicial Circuit within which the land is located; (b) the Office of the Clerk of the District Court of the United States for the District of Hawaii; (c) the Office of the Registrar of Conveyances; and (d) the Office of the Real Property Tax Assessment Division of the County within which the land is located.

SUE ANN TAKATA,
Trustee of the Sue Ann Takata Self-Trusteed
Revocable Trust, under unrecorded trust
agreement dated April 29, 1996,
with full powers to sell, mortgage, lease or
otherwise deal with the land,
as to an undivided 1/3 interest,

LYNN TSUGIE OSHIRO,
as Successor Trustee under that certain
unrecorded Kenji Yamashiro Revocable Living
Trust dated June 25, 1993,
with full powers to sell, mortgage, lease or
otherwise deal with the land,
as to an undivided 1/3 interest,
and

CLAYTON T. YAMASHIRO,
married,
as to an undivided 1/15 interest,
RENEE M. YAMASHIRO,
married,
as to an undivided 1/15 interest,
RUSSELL S. K. IIDA,

EXHIBIT B

SCHEDULE A CONTINUED

married,
as to an undivided 1/15 interest,
STEPHANIE NAGO,
married,
as to an undivided 1/15 interest,
KALEO R. YAMASHIRO,
single,
as to an undivided 1/30 interest, and
KAMAKANA K. YAMASHIRO,
single,
as to an undivided 1/30 interest,
as Tenants in Common,
as Fee Owner

This report is subject to the Conditions and Stipulations set forth in
Schedule D and is dated as of February 15, 2013 at 8:00 a.m.

Inquiries concerning this report
should be directed to
JUSTIN LEE.
Email jmlee@tghawaii.com
Fax (808) 533-5870
Telephone
Refer to Order No. 201307957.